

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

In re:)	
)	
JAMES COLEMAN, JR.)	Case No. 07-13492-RGM
Debtor)	Chapter 13
)	

MOTION TO APPROVE LOAN MODIFICATION AGREEMENT

COMES NOW, James Coleman, Jr. , debtor herein through undersigned counsel, Tommy Andrews, Jr. and Tommy Andrews Jr., P.C., pursuant to 11 U.S.C. §363(b)(1) and 363(f) and requests that this Honorable Court approves the Loan Modification Agreement for certain real property of the Debtor's Estate set forth herein below. As his grounds therefore, he states as follows:

1. Debtor filed a voluntary petition under Chapter 13 of the United States Bankruptcy Code on November 15, 2007.

2. On the date of filing, the debtor owned real property known as 7609, Somerset Ln., Manassas, VA 20111, or more specifically known as:

"Lot 154, Block 20, Section 2, STONERIDGE, as the same appears duly dedicated, platted and recorded in Deed Book 559 at Page 179, among the Land Records of Prince William County, Virginia"

3. Upon information and belief, the property is subject to the following liens and/or claims of interest:

a. ***Bank of America Home Loans*** holds a lien against the property which has a payoff balance of **approximately \$236,000.00**

4. The Debtor has obtained an agreement with favorable terms to modify the loan for the real property located at 7609, Somerset Ln., Manassas, VA 20111 for the amount of \$264,808.97 at a step rate loan of 2% until December 1 2011, then 3% until December 1st, 2012, then 4% for 280 months, according to the agreement. The modification agreement is with the current lender, Bank of America Home Loans (previously Countrywide Home Loans) and requires court approval.

5. The modification agreement is in the best interest of Debtor under 11 U.S.C. § 363(h).

6. The agreement would cure the arrears in the current note and allow the debtor to reduce his monthly mortgage payments from \$1,532.00 to \$1,283.46 (including escrow) until December 1 2011,

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Derek Bathrick # 46648
Marcelo Michel # 47818
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then \$1,174.82 (not including escrow) until December 1st, 2012, then \$1,304.55 (not including escrow) for 280 months.

WHEREFORE, James Coleman, Jr. respectfully prays that the Agreement Modifying Note and Security Instrument be approved.

JAMES COLEMAN, JR.
By Counsel

/s/ Tommy Andrews, Jr.
Tommy Andrews, Jr., Esq. VSB#28544
Marcelo Michel, Esq. VSB#47818
122 North Alfred Street
Alexandria Virginia 22314
703.838.9004

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Motion to Approve Agreement Modifying Note and Security Instrument for the Real Property of the Debtor's Bankruptcy Estate was hand-delivered, sent via first class mail postage prepaid, or electronically delivered via the electronic court filing system to Thomas P. Gorman, Esq., Chapter 13 Trustee, 300 N. Washington St., Suite 400, Alexandria, Virginia 22314 and the U.S. Trustee's Office, 115 South Union Street, Alexandria, Virginia 22314, and also sent via first class mail postage prepaid and/or sent via facsimile to: Bank of America Home Loans, Home Retention Division, 4500 Amon Carter Blvd, Fort Worth, TX 76155; Bank of America c/o Eric David White, Esq., 1804 Staples Mill Road, Suite 200, Richmond, VA 23230; James Coleman, Jr. , 7609, Somerset Ln., Manassas, VA 20111, this 25th day of November, 2009.

/s/ Tommy Andrews, Jr.
Tommy Andrews, Jr.

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In re:)	
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JAMES COLEMAN, JR.)	Case No. 07-13492-RGM
Debtor)	Chapter 13
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**ORDER GRANTING MOTION TO APPROVE AGREEMENT MODIFYING
NOTE AND SECURITY INSTRUMENT**

UPON CONSIDERATION of the Debtor's Motion to Approve Agreement Modifying Note and Security Instrument for the Real Property known as 7609, Somerset Ln., Manassas, VA 20111, any responses thereto and the Court finding that there is good cause for granting the Motion, it is hereby:

ORDERED, that the Motion is GRANTED, and that the Loan Modification Agreement for the real property commonly known as 7609, Somerset Ln., Manassas, VA 20111, or more specifically known as: "*Lot 154, Block 20, Section 2, STONERIDGE, as the same appears duly dedicated, platted and recorded in Deed Book 559 at Page 179, among the Land Records of Prince William County, Virginia*" is approved, according to the terms of the Loan Modification Agreement with Bank of America Home Loans; it is further,

ORDERED, that the Debtor has the authority to execute all documents reasonably required to complete the transaction contemplated by the Agreement between the borrower, James Coleman, Jr. , and the lender, Bank of America Home Loans, and, it is further,

ORDERED, that this Order shall not be stayed pursuant to Federal Bankruptcy Code Rule 6004(h).

Date: _____

Robert G. Mayer
United States Bankruptcy Judge

I ASK FOR THIS:

/s/ Tommy Andrews, Jr.

Tommy Andrews, Jr., Esq. #28544

Marcelo Michel, Esq. #47818

122 North Alfred Street

Alexandria, Virginia 22314

Counsel for Debtor

Copies to:

Tommy Andrews, Jr.

122 North Alfred Street

Alexandria, Virginia 22314

Thomas P. Gorman, Esq.

Chapter 13 Trustee

300 N. Washington St., Suite 400

Alexandria, Virginia 22314

U.S. Trustee's Office

115 South Union Street

Alexandria, Virginia 22314

Bank of America Home Loans

Home Retention Division

4500 Amon Carter Blvd

Fort Worth, TX 76155

Bank of America

c/o Eric David White, Esq.

1804 Staples Mill Road, Suite 200

Richmond, VA 23230

James Coleman, Jr.

7609, Somerset Ln.

Manassas, VA 20111

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